

SN. 09/826,557

ATTORNEY DOCKET NO. CANO:023

REMARKS

Claims 1-20 are now pending in this application for which applicant seeks reconsideration.

Amendment

In light of the informal telephonic interview with the examiner, apparatus claims 1-9 have been amended to recite the invention in terms of control means. New claim 20, which parallels claim 1 without using means-plus-function limitations, has been added.

§ 112 Rejection

Apparatus claims 1-9 were rejected under 35 U.S.C. § 112, second paragraph, because (based on the clarification made during the interview) the claimed means, namely "designating means" and "managing means" are not positively recited in the specification. The examiner, however, understood that the present invention is directed to a software driven apparatus. As such, the examiner suggested drafting the claims in terms of a controller that provides designating and managing functions. In this regard, claim 1 has been amended to adopt the examiner's suggestion. As presently amended, the control means (such as a CPU programmed to provide the claimed functions) is connected to the input means and the transmitting means for designating the plurality of destinations for the same data to be transmitted to the destinations by the respective different transmission methods and for managing information relating to the transmission made by said transmitting means by associating a same predetermined identifier to each of the plurality of transmissions of the same data.

Art Rejection

Claims 1-19 were rejected under 35 U.S.C. § 102(e) as anticipated by Johnson (USP 6,248,996). Applicant traverses this rejection because Johnson neither discloses nor teaches associating a same predetermined identifier to each of the plurality of different transmissions of the same data.

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Each of claims 1, 10, and 19 calls for managing information relating to the transmission by associating a same predetermined identifier to each of the plurality of different transmissions of the same data. Thus, in the claimed invention, a single identifier is used to transmit the same data to a plurality of destinations using different transmission modes or methods. See page 12, lines 10-16 of the present disclosure.

The examiner now alleges that by applicant's statement "[d]ifferent job numbers or IDs are assigned to different destination addresses," applicant concedes that Johnson assigns the same destination address to each of a plurality of transmissions of the same data. Not true. Applicant quite clearly argued that Johnson assigns **different**, not the same job numbers or IDs to different destination addresses. Accordingly, the examiner's argument has no merit.

Indeed, Johnson uses different identifiers for different transmissions of the same data. Johnson discloses, referring to Figs. 2 and 3, a scanner 10 that can select a plurality of receiver destination addresses (step 22). **Different job numbers or IDs are assigned to different destination addresses.** Then, connections between the scanner 10 and the destination addresses are made (step 26) to determine the type and availability of each receiver destination. Specifically, Johnson generates different files 50, 52, 54 from scanned an image (same document). Then, different files (different data types) are sent simultaneously to different destinations based on different job numbers or IDs assigned to different destinations.

As Johnson uses different assigning numbers to different transmission, Johnson could not have anticipated claims 1-19.

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Conclusion

Applicant submits that claims 1-20 patentably distinguish over Johnson and thus urges the examiner to issue an early Notice of Allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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